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CENTRAL FAX CENTER****APR 09 2009****HL Hanor, Lively  
& C & Cernyar PLLC**  
**Intellectual Property Law & Litigation**

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**FAX COVER SHEET**

April 9, 2009

<b>TO:</b>	<b>Commissioner for Patents Attn: Office of Petitions</b>	<b>FAX NO.: 571-273-8300</b>
<b>FROM:</b>	<b>Jeannine Vasquez Hanor, Lively &amp; Cernyar</b>	
<b>FILE No.</b>	<b>Appln. no. 10/673, 358</b>	

No. of Pages (including this fax cover sheet): 13

**MESSAGE:**

Please see attached :

1. Cover letter and petition stating reason for unavoidable abandonment of application;
2. 04/22/2008 Notice of Non-Compliance; and
3. Applicant's Response to 04/22/2008 Notice.

Thank you,  
Jeannine Vasquez  
210-829-2009  
210-829-2001 (fax)  
[jvasquez@hanor.com](mailto:jvasquez@hanor.com)

**CONFIDENTIALITY NOTE**

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April 9, 2009

Mail Stop Petition  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RE: Bonding of Soft Biological Tissues by Passing High Frequency Electric Current  
Therethrough  
Application no. 10/673,358  
Applicants: Boris E. Paton, et al.  
Filed: 09/26/2003

Honorable Commissioner for Patents,

On June 1, 2008 the Patent Office issued a Notice of Non-Compliant Amendment to which the applicant failed to respond within the prescribed time limit. However, Applicant submits that this document was never received in the office of the attorney of record. In fact, Applicant was unaware that such a document existed until a phone call was received from the PTO notifying that the application was abandoned and the Notice of Abandonment was subsequently issued on February 24, 2009.

After learning of the abandonment of the application, an attempt was made to discern the reason no response was filed. The conclusion come to after searching our docketing system, electronic files and paper files, and finding no mention of the June 1, 2008 Notice, is that the it was never received. If it had been, the Applicant surely would have responded.

Because the failure to respond was completely unintentional, under 37 CFR 137 (a), Applicant respectfully requests that the above-mentioned application be reinstated. To further that end, Applicant has included,

- 1) This petition;
- 2) a Response to the June 1, 2008 Notice of Non-Compliant Amendment; and
- 3) a payment for \$270 to cover the required fees.

Respectfully,

A handwritten signature in black ink, appearing to read "Charles W. Hanor".

Charles W. Hanor  
Reg. 27, 132

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4/13

APR 09 2009



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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www.uspto.gov

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,358	09/26/2003	Boris E. Paton	7704.003DIV2	3805
7590 Charles W. Hanor, P.C. P.O. Box 91319 San Antonio, TX 78209			EXAMINER COHEN, LEE S	
			ART UNIT 3739	PAPER NUMBER
			MAIL DATE 04/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

APR 09 2009



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10673358	9/26/03	PATON ET AL.	7704.003DIV2

Charles W. Hanor, P.C.  
P.O. Box 91318  
San Antonio, TX 78209

EXAMINER

Lee S. Cohen

ART UNIT	PAPER
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3739

20080421

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

PTO-90C (Rev.04-03)

Application/Control Number: 10/673,358  
Art Unit: 3739

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*Response to Amendment*

The reply filed on March 20, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has reinserted claims 69 and 70. These claims were canceled by applicant in the reply of June 13, 2005. They cannot be reinserted. If applicant desires to reinsert these claims, they must be new claims following the highest numbered claim of record. It should be noted that they may be subject to an election of species as previously Set forth in the prosecution. On another note, although not previously rejected, claim 66 incorrectly sets forth the replaceable lug being positioned between the two forceps in lieu of the two arms of the forceps. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee S. Cohen whose telephone number is 571-272-4763. The examiner can normally be reached on Monday-Friday, 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/673,358  
Art Unit: 3739

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lee S. Cohen  
Primary Examiner  
Art Unit 3739

/Lee S. Cohen/  
Primary Examiner, Art Unit 3739  
April 21, 2008